

## REMARKS

Claims 27, 29, 31, 32, 33 and 35 have been amended. New claim 37 has been added. Claims 27-37 are pending. Reexamination and allowance of the pending claims is respectfully requested.

First, claims 27-36 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of U.S. Patent No. 6,659,830. Even though Applicant does not agree with this rejection, in the interest of expediting the prosecution of the present application, Applicant is submitting herewith a terminal disclaimer to overcome this rejection.

Second, claim 27 has been amended to clarify the "up to a maximum of four" limitations. The new language "one to four" is directed towards overcoming this Section 112 rejection, and not towards the Section 102 rejection. Thus, it is respectfully submitted that all claims now meet the requirements of Section 112.

Third, the allowability of claims 29 and 35 is gratefully acknowledged. As a result, claim 29 has been amended to include the most of the limitations of claim 27, and claim 35 has been amended to include all the limitations of claim 33. Thus, claims 29-30 and 35 are submitted to be in condition for allowance.

### Holman

Claims 27 and 31 stand rejected under 35 U.S.C. 102(b) as being anticipated by USP 2,412,732 to Holman ("Holman"). This rejection is respectfully traversed.

Independent claim 27 recites, among other limitations, that the frame has one to four legs, with each leg connecting the frame to the housing. In contrast, Holman does not teach or suggest any legs that connect the frame to the housing. Since the Examiner considers element 12 in Holman to be the "housing", and element 15 in Holman to be the "frame", it is not possible to read this limitation on to Holman. First, there is no "leg" in Holman. Second, even if element 15 in Holman can be considered to be a "leg", element 15 does not connect the "frame" 15 to the "housing" 12.

In addition, the Examiner states that "45 is in the same plane as 15". Reviewing FIG. 2 of Holman, the undersigned cannot see how 45 can be in the same plane as 15.

Thus, claim 27, and claims 28 and 31-32 depending therefrom, are allowable over Holman.

### Constance

Claims 27 and 32 stand rejected under 35 U.S.C. 102(b) as being anticipated by USP 4,016,673 to Constance ("Constance"). This rejection is respectfully traversed.

Independent claim 27 recites, among other limitations, two to four bubble producing devices, each bubble producing device having at least one loop. In contrast, Constance only discloses one bubble producing device 5 that has at least one loop.

Thus, claim 27, and claims 28 and 31-32 depending therefrom, are allowable over Constance.

Neumann

Claims 33, 34 and 36 stand rejected under 35 U.S.C. 102(b) as being anticipated by USP 3,210,790 to Neumann ("Neumann"). This rejection is respectfully traversed.

Independent claim 33 recites, among other limitations, a first activator coupled to the air generator, and a second activator coupled to the pump system for delivering the liquid from the reservoir out of the outlet and outside the housing.

In contrast, the undersigned cannot see what elements in Neumann correspond to the claimed first activator and second activator. The Examiner refers to column 3, paragraphs 1 and 2, and column 4, paragraph 1 of Neumann, but these paragraphs do not identify any specific element(s) that might be considered "activators". In fact, the bath brush in Neumann is activated by rubbing it against a person's body.

More importantly, even if Neumann were read very broadly, Neumann does not disclose or remotely suggest any "activator" which is coupled to the pump system for delivering the liquid from the reservoir out of the outlet and outside the housing. The Examiner has interpreted element 27 in Neumann as the claimed "reservoir" and element 29 corresponds to the "pump system", but the pump system 29 in Neumann merely delivers the bubble solution from inside the reservoir 27 to the circular apertures 71. The apertures 71 are located inside the housing 13. In other words, the pump system 29 in Neumann does not deliver the liquid from inside the reservoir 27 out of any outlet and outside the housing.

Claims 34, 36 and 37 depend from claim 33 and are submitted to be allowable for the same reasons.

New claim 37 defines additional patentable subject matter. New claim 37 recites that the first activator and the second activator are positioned outside the housing. As discussed above, Neumann does not teach or suggest any activators positioned outside the housing 13.

\* \* \*

In light of the above, pending claims 27-37 are submitted to be in condition for allowance. The Examiner is encouraged to telephone the undersigned if there are

informalities that can be resolved in a phone conversation, or if the Examiner has any ideas or suggestions for further advancing the prosecution of this case.

Respectfully Submitted,



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**CERTIFICATE OF MAILING**

I hereby certify that this paper and its enclosures are being deposited with the United States Postal service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date: October 12, 2004

By:

  
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